

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

CASE NO.: _____

ROLAND AHLGREN,

Plaintiff,

v.

PUBLIX SUPER MARKETS, INC.,

Defendant.

_____/

NOTICE OF REMOVAL

Defendant, Publix Super Markets, Inc. (“Publix”), removes this action, which is pending in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County Florida, Case No. CACE-2200-2583 (the “State Court Action”), to the United States District Court for the Southern District of Florida, Fort Lauderdale Division. In support of this Notice of Removal, Publix states the following:

REMOVAL STANDARD

1. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending.”

2. Under 28 U.S.C. § 1331, federal courts shall have original jurisdiction of all civil actions “arising under the Constitution, laws, or treaties of the United States.”

PAPERS FROM REMOVED ACTION

3. Pursuant to 28 U.S.C. § 1446(a), Publix attaches to this Notice of Removal a copy of all pleadings, orders and other papers or exhibits of every kind currently on file in the State Court Action. *See* Exhibit 1.

THE REMOVAL IS TIMELY

4. Publix waived service of process of the State Court Action on February 22, 2022. Accordingly, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b). *See* 28 U.S.C. § 1446(b) (“notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant . . . of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based”).

VENUE IS PROPER

5. Venue is proper in this Court because this action is being removed from the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, and Ahlgren alleges that his claims arose in this District. *See* Ex. 1, Compl. at ¶ 3.

FEDERAL QUESTION JURISDICTION

6. Ahlgren asserts claims against Publix for alleged disability discrimination in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* He also alleges both retaliation and interference with his rights under the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.*

7. This Court has original subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331, and this case is therefore properly removable to this Court pursuant to 28 U.S.C. § 1441 in that it is a civil action containing federal causes of action.

FILING OF REMOVAL PAPERS

8. Pursuant to 28 U.S.C. § 1446(d), written notice of removal of this action will be promptly served to Ahlgren.

9. Concurrent with the filing of this Notice of Removal, Publix has filed a Notice of Filing the Notice of Removal, including a true and correct copy of the Notice of Removal with the Clerk of the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida. *See* Exhibit 2.

10. The undersigned counsel is authorized by Publix to file this Notice of Removal, is licensed to practice law in the state of Florida, and is a member in good standing of this Court.

Wherefore, Publix hereby removes the above-captioned action from the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, and requests that further proceedings be conducted in this Court as provided by law.

Dated: March 18, 2022.

Respectfully submitted,

By: /s/ Michael A. Holt

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Attorneys for Publix Super Markets, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2022, the foregoing document has been filed with the Clerk of the Court using the CM/ECF system and a true and correct copy has been provided to all counsel of record or unrepresented parties on the service list below by the method indicated.

/s/ Michael A. Holt

Michael A. Holt

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